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| 10/605,097 | 09/09/2003 | Yih-Shin Weng | MTKP0054USA | 2096 |

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| EXAMINER |
|---|
| GUPTA, PARUL H |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

winstonhsu.uspto@gmail.com
Patent.admin.uspto.Rcv@naipo.com
mis.ap.uspto@naipo.com.tw

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on _05 October 2007_.

2a)☒ This action is **FINAL**.  2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) _1-6,8-11 and 13-17_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-6,8-11 and 13-17_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All  b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

## DETAILED ACTION

1.    Claims 1-6, 8-11, and 13-17 are pending for examination as interpreted by the examiner. The arguments filed on 10/5/07 were also considered with the following results.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.    Claims 1-6, 8-11 and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al., US Patent Publication 2002/0181356 in view of the Applicant's Admitted Prior Art (AAPA).

Regarding claim 1, Watanabe et al. teaches a method for accessing a variable memory (element 300 of figures 10 and 11) of an optical disk drive (figure 10) comprising following steps: (a) utilizing the optical disk drive to read data of an optical disk (element 2 of figure 10) and identifying the type of the disk (paragraph 0132); (b) if the type of the data is first optical disk (DVD-ROM of paragraph 0136) data, storing variables ("control information") from an address (figure 11) of a second area arranged in the variable memory (paragraph 0135); and (c) if the type of the disk is second optical disk (DVD-R of paragraph 0136) data, storing variables from the address (shown in figure 11) of the second area arranged in the variable memory (paragraphs 0135); and (d) storing common reading variables necessary for the optical disk drive to access the

optical disk into a first area arranged in the variable memory. Watanabe et al. does not specifically but the AAPA teaches that the common reading variables stored in the variable memory will not be replaced when a different type of optical disk is accesed by the optical disk drive (Paragraph 0006 explains that common reading variables are stored in the variable memory. As the different variables are stored at different positions, these variables are not replaced.). It would have been obvious to one of ordinary skill in the art at the time of the invention to use global reading variables. The motivation would be to save space by reusing the same variables.

Regarding claim 2, Watanabe et al. teaches the method of claim 1 wherein the first optical disk type comprises CDDA, VCD, CD-ROM, CD-R, or CD-RW, and the second optical disk type comprises DVD-ROM, DVD-R, DVD-RW, DVD+R, DVD+RW, or DVD-RAM. Paragraph 0008 gives all of the different data types that can be used in the reference.

Regarding claim 3, Watanabe et al. teaches the method of claim 1 wherein the variables in step (b) or (c) are reading variables related to content of the optical disk (paragraph 0135 explain all of the variables, which are also used in the reading process).

Regarding claim 4, Watanabe et al. teaches the method of claim 1 wherein the variables are reading variables (paragraph 0134 explain all of the variables, which are also used in the reading process for the control information, making them reading variables), and when the optical disk drive stores the reading variables in step (b) or (c) in the variable memory, the reading variables replace reading variables of a last-

inserted optical disk stored in the address (figure 11) of the second area arranged in the

variable memory. Paragraph 0133 describes how the memory is reallocated based on

the type of disk inserted into the drive. Thus, the memory is changed from disk to disk.

Regarding claims 5 and 10, Watanabe et al. teaches the method of claims 1 and

8, respectively, wherein the common reading variables include drive configuration,

status, or tray status. Paragraphs 0132 and 0133 describe how the determination of

type of disk, which includes drive configuration, is stored in the variable memory.

Regarding claims 6 and 11, Watanabe et al. teaches the method of claims 5 and

10, respectively, wherein the common reading variables stored in the variable memory

(element 300 of figures 10 and 11) will not be replaced when a plurality of optical disks

following the optical disk are accessed by the optical disk drive (paragraph 0066 and

0083). As the information is used to determine information about the disk, and newly-

obtained data is compared with preexisting data, the data can not be replaced every

time a new disk is accessed by the drive. The AAPA also teaches wherein the common

reading variables stored in the variable memory will not be replaced when a different

type optical disk is accessed by the optical disk drive (Paragraph 0006 explains that

common reading variables are stored in the variable memory. As the different variables

are stored at different positions, these variables are not replaced.). It would have been

obvious to one of ordinary skill in the art at the time of the invention to use global

reading variables. The motivation would be to save space by reusing the same

variables.

Regarding claim 8, Watanabe et al. teaches a method for accessing a variable memory (element 300 of figures 10 and 11) of an optical disk drive (figure 10) comprising following steps: (a) utilizing the optical disk drive to read data of a DVD disk (element 2 of figure 10) and identifying the type of the DVD disk (paragraph 0132); (b) if the type of the DVD disk is DVD-ROM, storing variables at an address (figure 11) of a second area arranged in the variable memory (paragraphs 0132 and 0136); and (c) if the type of the DVD disk is DVD-RAM, storing variables at the address of the second area (figure 11) arranged in the variable memory (paragraphs 0132 and 0135); (d) storing common reading variables necessary for the optical disk drive to access the optical disk into a first area arranged in the variable memory (figure 11). Watanabe et al. does not but the AAPA teaches wherein the common reading variables stored in the variable memory will not be replaced when a different type optical disk is accessed by the optical disk drive (Paragraph 0006 explains that common reading variables are stored in the variable memory. As the different variables are stored at different positions, these variables are not replaced.). It would have been obvious to one of ordinary skill in the art at the time of the invention to use global reading variables. The motivation would be to save space by reusing the same variables.

Regarding claim 9, Watanabe et al. teaches the method of claim 8 wherein the variables are reading variables, (paragraph 0134 explain all of the variables such as the "page pointer management variable" which are also used in the reading process for the control information, making them reading variables) and when the optical disk drive (figure 10) stores the reading variables in step (b) or (c) in the variable memory

(element 300 of figures 10 and 11), the reading variables replace reading variables of a last-inserted optical disk stored in the address of the second area arranged in the variable memory. Paragraph 0133 describes how the memory is reallocated based on the type of disk inserted into the drive. Thus, the memory is changed from disk to disk.

Regarding claim 13, Watanabe et al. teaches a method for accessing a variable memory (element 300 of figures 10 and 11) of an optical disk drive comprising following steps: (a) utilizing the optical disk drive (figure 10) to read and write data of an optical disk and identifying the type of the disk (paragraph 0132); (b) if the type of the disk is first recordable optical disk (such as DVD-ROM) data, storing variables from a first address (figure 11) of the second area arranged in variable memory (paragraph 0140); and (c) if the type of the disk is second recordable optical disk (such as DVD-R) data, storing variables at the first address (figure 11) of the second area arranged in the variable memory (paragraph 0139); and (d) storing common reading variables necessary for the optical disk drive to access the optical disk into a first area arranged in the variable memory (figure 11). Watanabe et al. does not specifically but the AAPA teaches wherein the common reading variables stored in the variable memory will not be replaced when a different type optical disk is accessed by the optical disk drive (Paragraph 0006 explains that common reading variables are stored in the variable memory. As the different variables are stored at different positions, these variables are not replaced.). It would have been obvious to one of ordinary skill in the art at the time of the invention to use global reading variables. The motivation would be to save space by reusing the same variables.

Regarding claim 14, Watanabe et al. teaches the method of claim 13 wherein the first recordable optical disk type comprises CD-R or CD-RW, and the second recordable optical disk type comprises DVD-R, DVD-RW, DVD+R, DVD+RW, or DVD-RAM. Paragraph 0008 gives all of the different data types that can be used in the reference.

Regarding claim 15, Watanabe et al. teaches the method of claim 13 wherein the variables are writing variables (used for reproduction as seen in figure 11), and when the optical disk drive stores the writing variables in step (b) or (c) in the variable memory (element 300 of figures 10 and 11), the writing variables replace writing variables of a last-inserted optical disk stored in the first address (figure 11) of the second area arranged in the variable memory. Paragraph 0133 describes how the memory is reallocated based on the type of disk inserted into the drive. Thus, the memory is changed from disk to disk.

Regarding claim 16, Watanabe et al. teaches the method of claim 13 further comprising: if the type of the disk is first recordable optical disk (such as DVD-ROM) data, storing reading variables at a second address (shown as "information storage region" in figure 11) of the second area arranged in the variable memory (memory 400); and if the type of the disk is second recordable optical disk (such as DVD-R) data, storing reading variables at the second initial address (shown as "information storage region" in figure 11) of the second area arranged in the variable memory (memory 400).

Regarding claim 17, Watanabe et al. teaches the method of claim 16 wherein the first and second addresses are different in figure 11. The method of choosing different addresses and regions for different types of media is given in paragraphs 0138-0140.

## *Response to Arguments*

3.     Applicant's arguments with respect to the claimed invention have been considered, but are not persuasive.

Regarding claims 1, 6, 8, and 13, applicant contends that the reference does not have common reading variables that are not replaced based on the type of optical disk accessed. However, this is a new limitation that has been rejected appropriately now. Claims 2-5, 9-11, and 14-16 are dependent on the rejected base claim.

Regarding claim 17, applicant contends that the control information is not categorized into reading variables ("page pointer management variable") and writing variables ("reproduction information storage") and storing the reading variables and writing variables of the same disk type in the variable memory respectively. However, the concept of having separate areas for separate control information is clearly taught in figures 2 and 11.

## *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Parul Gupta whose telephone number is 571-272-5260.

The examiner can normally be reached on Monday through Thursday, from 9:30 AM to

6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Bill Korzuch can be reached on 571-272-7589. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PHG
12/24/07

/William Korzuch/
SPE, Art Unit 2627